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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,771	12/12/2003	Michael Cornelis Van Beek	081468-0307031	8730

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PILLSBURY WINTHROP SHAW PITTMAN, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER
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GUTIERREZ, KEVIN C

ART UNIT	PAPER NUMBER
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2851

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No. 10/733,771	Applicant(s) VAN BEEK ET AL.	
	Examiner Kevin Gutierrez	Art Unit 2851	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-20.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_

Rodney Fuller  
Primary Examiner



Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument that modifying Somekh in the manner the Examiner has proposed, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

On page 7 of the Remarks, the Applicant states that one of ordinary skill in the art would not combine the etching apparatus of Tanaka et al. with the electron beam lithography apparatus of Somekh. The Examiner relies on the Somekh for the teaching of the cleaning apparatus and relies on the structure of Tanaka et al. for the configuration for the cleaning apparatus of Somekh.

Regarding the remarks on page 7, the Applicant states that modifying Somekh in the manner the Examiner has proposed does not prove each and every feature of claim 1. The Examiner respectfully disagrees. To clarify, Somekh discloses a downstream radical source (216) with a gas supply (oxygen), but does not disclose a tube connected to a gas supply. Tanaka et al. teach a gas supply (3) connected to a tube (2) to generate radicals of the plasma generator (1). Modifying Somekh by having a remote gas supply connected to the radical source (216) by a tube discloses the limitations set forth in claim 1. Further, Tanaka et al. discloses a moveable radical source constructed and arranged to be move relative over a surface which is suggested by Somekh (col. 7, lines 19-22, where the nozzles may be aimed or configured to direct oxidizer over surfaces to be cleaned).

Regarding the arguments on pages 9 of the Remarks, the applicant argues Horiike et al. does not teach that the wafer maybe moved so that a beam of radicals are incident on the surface of the wafer. The Examiner respectfully disagrees. Horiike et al. teach where the wafer is carried into the cleaning chamber (3) so that a beam of radicals are incident on the surface of the wafer.

Regarding the arguments on page 10 of the Remarks, the Applicant argues that Sakai et al. does not disclose that the discharge tube may be moved relative to a component having a surface to be cleaned or that a component having a surface to be cleaned may be move relative to the discharge tube so that a beam of radicals is incident on the surface to be cleaned. The Examiner clarifies that Sakai was relied upon to teach the "wherein the walls of the tube neutralize the ionized particles" as set forth in claim 17.

Regarding the arguments on pages 11 of the Remarks, the Applicant argues that Vane does not disclose or suggest that a Faraday grid neutralizes the ionized particles. The Examiner respectfully disagrees. Vane teaches a conductive screen (53) utilized to confine the electric fields of a plasma, which neutralizes the ionized particles..